

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION [APPA] NO.800 OF 2017

IN

CRIMINAL APPEAL NO.474 OF 2017

[Sanjay @ Ashish s/o Vitthal Boke .vs. The State of Maharashtra]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : KUM. INDIRA JAIN, J.

DATED : NOVEMBER 21, 2017.

Heard Shri V.R. Thote h/f Shri Aditya P. Mane, learned counsel for applicant-appellant and Mrs. H.N. Prabhu, learned APP for respondent-State.

By this application, applicant-accused is seeking suspension of substantive sentence of imprisonment awarded by the learned Additional Sessions Judge, Pusad vide judgment and order dated 31.8.2017 in Sessions Trial No.10/2013. Accused was prosecuted for the offences punishable under sections 363 and 366-A of the Indian Penal Code. On trial, he has been acquitted of the offence punishable under section 366-A of the Indian Penal Code and convicted under section 363 of the Indian Penal Code. The maximum sentence awarded by the trial court is three years.

The learned counsel for applicant submits that accused was on bail during trial and fine amount has been deposited.

Considering the short term sentence imposed by the trial court, this court is inclined to allow the application. Hence, the following order :

ORDER

(i) The substantive sentence of imprisonment awarded by the trial court is suspended during pendency of appeal on applicant's furnishing Personal Bond in the sum of Rs.10,000/- with one solvent surety in the like amount to the satisfaction of the trial court.

(ii) Criminal Application No.800/2017 is allowed and disposed of.

JUDGE

Gulande